

REMARKS

Claims 1-38 are pending. Claims 1, 3, 7, 8, 13, 18, 24, and 32 have been amended and new claims 33-38 have been added to recite additional features of the embodiments disclosed in the specification.

In the Office Action, claims 1-32 were rejected under 35 USC § 102(e) for being anticipated by the Kuhl patent publication. Applicants request the Examiner to withdraw this rejection for the following reasons.

Claim 1 recites classifying two types of traffic, namely ATM traffic and MPLS traffic, by rate. Claim 1 further recites that the classified ATM traffic and MPLS traffic is classified and forwarded concurrently to an ATM processing unit, and that the ATM traffic is classified and forwarded in this manner without conversion to MPLS packets. (See, for example, Paragraphs [30], [32], [43], and [64] for support). These features are not disclosed by the Kuhn publication.

The Kuhl publication discloses an egress that classifies traffic by rate and then forwards the traffic according to a priority that is based on the classification. However, the Kuhl publication does not disclose the features added by amendment to claim 1. For example, Kuhl discloses that the received traffic is ATM traffic and that the ATM traffic must be converted to MPLS traffic before the classifying step is performed. (See Paragraphs [0051], [0055], and [0056]).

By converting all ATM traffic to MPLS traffic and then classifying only the converted MPLS traffic, Kuhl does not disclose classifying both ATM traffic and MPLS traffic as required by claim 1. Moreover, Kuhl does not disclose classifying and forwarding these two types of traffic concurrently as is further required by claim 1. Moreover, Kuhl teaches directly away from the invention when it discloses that received ATM traffic must first be converted to MPLS traffic before classifying is performed.

Because the Kuhl publication does not disclose all the features of claim 1, it is respectfully submitted that the Kuhl publication does not anticipate claim 1 or any of its dependent claims. Applicants further note that by classifying only MPLS traffic, the Kuhl patent therefore does not achieve many objectives of the invention as outlined, for example, in Paragraphs [64] - [66] of the specification.¹

Claims 7, 13, 18, and 24 recite features similar to those which patentably distinguish claim 1 from the Kuhl publication. Applicants therefore submit that these claims and their dependent claims are allowable over Kuhl.

New claims 33-38 have been added to the application.

Claim 33 recites that the MPLS traffic is input into the egress through at least one channel different from the at least one channel through which the ATM traffic is input into the egress. These features are not disclosed or suggested by the Kuhl publication.

¹ While these objectives are certainly advantageous and attainable by the claimed invention, these objectives should not be held to be limiting of the claims.

Claim 34 recites that the ATM traffic is classified and forwarded to the ATM processing unit independently from the concurrent classification and forwarding of the MPLS traffic to the ATM processing unit. (See, for example, Paragraph [48] of the specification for support). These features are not disclosed or suggested by the Kuhl publication.

Claim 35 recites that ATM traffic classified according to a first type of bit rate is forwarded with a same priority as MPLS traffic classified according to the first type of bit rate, and wherein ATM and MPLS traffic classified into different types of bit rates are forwarded with a different priority. (See, for example, Paragraph [48] of the specification for support). These features are not disclosed or suggested by the Kuhl publication.

Claim 36 recites that the first type of bit rate is an unspecified bit rate (UBR). These features are not disclosed or suggested by the Kuhl publication.

Claim 37 recites that the first type of bit rate corresponds to a non-real time service including at least one of e-mail for fax and said different type of bit rates include a non-real-time service and a real-time service. These features are not disclosed or suggested by the Kuhl publication.

Claim 38 recites that the ATM traffic classified as non-unspecified bit rate (non-UBR) is forwarded with a same priority as MPLS traffic classified as a constant bit rate (CBR). (See, for example, Paragraphs [39] and [47] of the specification for support). These features are not disclosed or suggested by the Kuhl publication.

Serial No. 10/828,339
Amdt. dated February 21, 2008
Reply to Office Action of August 21, 2007

Docket No. K-0612

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and timely allowance of the application is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
KED & ASSOCIATES, LLP



Daniel Y. J. Kim
Registration No. 36,186

Samuel W. Ntiros
Registration No. 39,318

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3777
Date: February 21, 2008

Please direct all correspondence to Customer Number 34610